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DEC 6 - 2007IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

John David Laughlin

Application No. 09/976,302

Filed: October 11, 2001

For: Method and System for Defining
Separate Print Quality Regions
within a Print Job

Group Art Unit: 2176

Examiner: DEBROW, James, J.

APPEAL BRIEFMail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant filed an initial appeal brief in this application on May 31, 2007. In response, the Examiner reopened prosecution with a non-final Office Action dated September 6, 2007 (the "current Action" or the "Action"). Having reviewed that non-final Office Action, Appellant finds that the rejection of the present application is without merit and hereby requests reinstatement of the appeal in this application. A renewed Notice of Appeal is filed herewith. Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

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II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellants are aware.

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III. Status of Claims

Claims 1, 6-10, 13-17, 20 and 21 have been cancelled previously. Consequently, claims 2-5, 11, 12, 18, 19 and 22-33 are currently pending for further action, and all stand rejected. Accordingly, Appellant appeals from the rejection of claims 2-5, 11, 12, 18, 19 and 22-33, which claims are presented in the Appendix.

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IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action of November 30, 2006 or the current Action of September 6, 2007, from which Appellant takes this appeal.

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V. Summary of Claimed Subject Matter

Through the printer driver, the user may also be able to specify the print quality of the print job. For example, if it is important that the resulting hard copy look good, the user may specify a high print quality. This will typically require more toner or ink from the printer (101) and take longer to generate the printed document. However, if it is not important that the print job has a high print quality, the user can specify a lower print quality using the printer driver. In this way, toner will be conserved and the resulting document can typically be printed more quickly. (Appellant's specification, paragraph 0012).

A problem arises, however, if there are elements in the document that need a high print quality to look satisfactory and other elements that do not. For example, if a document includes both text and photographs, the text may not require a high print quality to be entirely legible and otherwise appear as desired. However, the photographs may not look sharp and satisfactory unless printed with a high print quality. In order to have the photographs appear as desired, the user will have to set the print job to run at a high print quality. The photographs will be satisfactorily printed, as will the accompanying text, but the accompanying text will require more toner and time to print that is necessary for a satisfactory product. (Appellant's specification, paragraph 0013).

Accordingly, Appellant's specification describes a method and system in which a user can, through a printer driver running on a host computer, define regions within a single page of a print job and independently specify a desired print quality setting for each such region. In this way, those elements of a print job that require a high print quality for a satisfactory appearance, such as photographs, can be identified and printed at appropriate quality levels, while other elements, such as text, that do not require a high print quality for a satisfactory

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appearance can be printed at a lesser print quality level. (Appellant's specification, paragraph 0016).

Claim 2 recites:

A printer driver (203) stored on a computer-readable medium comprising:
an interface (Fig. 2) configured to receive print job data (202) (*Appellant's specification, paragraph 0040*);

a print job formatting routine (206) which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed (*Appellant's specification, paragraph 0044*);

a WYSIWYG display routine (204) for generating a WYSIWYG display (133) of said print job (*Appellant's specification, paragraph 0018*); and

a user input routine (205) for receiving user input defining said one or more regions within said print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user (*Appellant's specification, paragraph 0043*).

Claim 11 recites:

A method of printing documents comprising printing designated regions within a print job (202) at different print quality levels, said method further comprising:

displaying (134) a WYSIWYG display of said print job (*Appellant's specification, paragraph 0047*); and

receiving user input (136) defining one or more of said regions within said print job (202) using said WYSIWYG display, wherein said user input can selectively define any portion of said print job (202) as a said region with an independently-specified print quality level, said regions including or excluding any particular

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element or elements of said print job (202) as desired by a user (*Appellant's specification, paragraph 0049*).

Claim 18 recites:

A computer system comprising:
a host computer (100) (*Appellant's specification, paragraph 0036*);
an interface (Fig. 2) on said host computer (100) for connecting a printing device (101) to said host computer (100) (*Appellant's specification, paragraph 0037*);
and
a printer driver (203) stored on said host computer (100) for formatting print job data (202) from said host computer (100) to a printing device (101) (*Appellant's specification, paragraph 0041*);
wherein said printer driver (203) comprises a print job formatting routine (206) which notes one or more regions within a print job (202) derived from print job data and further specifies a particular print quality level at which each such region is to be printed (*Appellant's specification, paragraph 0043*); and
wherein said print driver (203) further comprises:
a WYSIWYG display routine (204) for generating a WYSIWYG display of a print job (*Appellant's specification, paragraph 0018*); and
a user input routine (205) for receiving user input defining said one or more regions within a print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job (202) as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user (*Appellant's specification, paragraph 0043*).

Claim 25 recites:

A printer driver (203) stored on a computer-readable medium comprising:
an interface (Fig. 2) configured to receive print job data (202);

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a user interface (104, 105) with which a user designates one or more specific regions of a print job represented by said print job data (*Appellant's specification, paragraph 0042-3*); and

a print job formatting routine (206) which notes said one or more regions within said print job (202) and further specifies a particular print quality level at which each such region is then printed (*Appellant's specification, paragraph 0043*),

wherein user input through said user interface can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user (*Appellant's specification, paragraph 0043*).

Claim 32 recites:

A printer driver (203) stored on a computer-readable medium comprising:
an interface (Fig. 2) configured to receive print job data (202);

a print job formatting routine (206) which notes one or more regions within a print job (202) derived from said print job data and further specifies a particular print quality level at which each such region is then printed (*Appellant's specification, paragraph 0043*);

a display routine (204) for generating a display of said print job (*Appellant's specification, paragraph 0042*); and

a user input routine (205) for receiving user input defining said one or more regions within said print job (202) using said display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a use (*Appellant's specification, paragraph 0043*).

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Claim 33 recites:

A method of printing documents comprising printing designated regions within a print job at different print quality levels (Fig. 3), said method further comprising:

displaying a display of said print job (133, 134) (*Appellant's specification, paragraph 0047*); and

receiving user input (136) defining one or more of said regions within said print job using said display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user (*Appellant's specification, paragraph 0043*).

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VI. Grounds of Rejection to be Reviewed on Appeal

In the current Action of September 6, 2007, a single ground of rejection was raised:

Claims 2-5, 11, 12, 18, 19 and 22-33 were rejected under 35 U.S.C. § 103(a) over the combined teachings of U.S. Patent No. 6,236,462 to Terasaka ("Terasaka") and U.S. Patent No. 4,837,635 to Santos ("Santos").

Accordingly, Appellant hereby respectfully request review of this rejection in the present appeal.

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VII. Argument

Appellant's claims are patentable over Terasaka and Santos:

Claims 2, 11, 18, 25, 32, 33:

Claim 2 recites:

A printer driver stored on a computer-readable medium comprising:
an interface configured to receive print job data;
a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed;
a WYSIWYG display routine for generating a WYSIWYG display of said print job; and
a user input routine for receiving user input defining said one or more regions within said print job using said WYSIWYG display, *wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.*

(Emphasis added).

Claim 11 recites:

A method of printing documents comprising printing designated regions within a print job at different print quality levels, said method further comprising:
displaying a WYSIWYG display of said print job; and
receiving user input defining one or more of said regions within said print job using said WYSIWYG display, *wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.*

(Emphasis added).

Claim 18 recites:

A computer system comprising:
a host computer;
an interface on said host computer for connecting a printing device to said host computer; and
a printer driver stored on said host computer for formatting print job data from said host computer to a printing device;

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wherein said printer driver comprises a print job formatting routine which notes one or more regions within a print job derived from print job data and further specifies a particular print quality level at which each such region is to be printed; and

wherein said print driver further comprises:

a WYSIWYG display routine for generating a WYSIWYG display of a print job; and

a user input routine for receiving user input defining said one or more regions within a print job using said WYSIWYG display, *wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level. said regions including or excluding any particular element or elements of said print job as desired by a user.*

(Emphasis added).

Claim 25 recites:

A printer driver stored on a computer-readable medium comprising:

an interface configured to receive print job data;

a user interface with which a user designates one or more specific regions of a print job represented by said print job data; and

a print job formatting routine which notes said one or more regions within said print job and further specifies a particular print quality level at which each such region is then printed,

wherein user input through said user interface can selectively define any portion of said print job as a said region with an independently-specified print quality level. said regions including or excluding any particular element or elements of said print job as desired by a user.

(Emphasis added).

Claim 32 recites:

A printer driver stored on a computer-readable medium comprising:

an interface configured to receive print job data;

a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed;

a display routine for generating a display of said print job; and

a user input routine for receiving user input defining said one or more regions within said print job using said display. wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level. said regions including or excluding any particular element or elements of said print job as desired by a user.

(Emphasis added).

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Claim 33 recites:

A method of printing documents comprising printing designated regions within a print job at different print quality levels, said method further comprising: displaying a display of said print job; and receiving user input defining one or more of said regions within said print job using said display, *wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.*

(Emphasis added).

In contrast, the cited prior art references, taken in any combination, do not teach or suggest a print driver, system or method in which a user can specify different print quality levels for different user-defined regions of a print job. In making this rejection, the recent Action overlooks the fact that the teachings of Santos are directed primarily at scanning, *not* printing, a document.

Terasaka merely teaches a system in which a print job can be previewed on a host computer prior to printing. According to Terasaka, "results of printing to be produced at a terminal side are predicted at a host computer side, and print settings at the terminal side can be changed from the host computer, which has a preview processing section emulating the operations system of the terminal equipment, to enable the printer driver loaded from the terminal equipment to be run on the host computer and thereby to create a preview of material to be printed at the terminal equipment." (Terasaka, abstract). The current Action concedes that "Terasaka does not expressly disclose *a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed; a user input routine for receiving user input defining said one or more regions within said print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently- specified print quality level. said regions*

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including or excluding any particular element or elements of said print job as desired by a user.” (Action, pp. 3-4) (emphasis in original).

Accordingly, the current Action cites to Santos for this missing bulk of the subject matter recited in Appellant’s claims. However, Santos also fails to teach or suggest this subject matter. Santos simply does not teach or suggest the ideas that, *within a print job*, a user can define “regions including or excluding any particular element or elements of said print job as desired by a user” (claim 2) and set “an independently-specified print quality level” (claim 2) for each such region.

Rather, Santos is directed to cropping a scanned image from a printed document that is being scanned. According to Santos, a “preview scan presents a preview image. The user is able to specify what portion of the picture he wants by enclosing that portion of the preview image in a box.” (Santos, abstract).

Once a user has selected which portion of picture 15 he wants to capture, a final scan is performed as follows. Final scan module 22, through user interface module 23, asks a user for information as to scan parameters. These scan parameters specify: (1) intensity of the displayed image; (2) resolution of the image; (3) whether the image is to be displayed in gray scale or as line art; (4) whether to display the negative of the image; (5) scaling factors; (6) what will be the image size when printed. Final scan module 22 also creates a file buffer 32 in memory 17 which is the destination where the scanned image will be stored, as shown in FIG. 3. (Santos, col. 3, lines 3-14).

Thus, Santos allows a user to select a portion of an image to be scanned and to set “scan parameters” for that portion of the image to be scanned. (Santos, col. 3, lines 3-14).

Santos absolutely does not teach or suggest the claimed subject matter for which it was cited. Specifically, Santos does not teach or suggest that, within a *print job*, rather than a scan job, a user can define “regions including or excluding any particular element or elements of said *print job* as desired by a user” (claim 2)(emphasis added) and then set “an

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independently-specified print quality level" (claim 2) for each such region. There is no combination of cited prior art that teaches or suggests this subject matter.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art.

In the present case, the scope and content of the prior art, as evidenced by Terasaka and Santos, did not include the claimed subject matter that, within a print job, a user can define "regions including or excluding any particular element or elements of said print job as desired by a user" and then set "an independently-specified print quality level" for each such region. This subject matter appears to be entirely beyond the scope and content of the cited prior art.

This difference between the cited prior art and the claimed subject matter is particularly significant. As explained in Appellant's specification, the claimed subject matter allows "those elements of a print job that require a high print quality for a satisfactory appearance, such as photographs, can be identified and printed an appropriate quality levels, while other elements, such as text, that do not require a high print quality for a satisfactory appearance can be printed at a lesser print quality level." (Appellant's specification, paragraph 0032). This results in reduced printing time, optimal ink usage and lower overall printing costs. These advantages were not recognized, described or available with the systems taught by the cited prior art.

For at least these reasons, Terasaka and Santos will not support a rejection of Appellant's claims under 35 U.S.C. § 103(a) and *Graham*. Therefore, the rejection based on Terasaka and Santos should not be sustained.

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Claims 3 and 19:

The rejection of claims 3 and 19 should not be sustained for at least the same reasons given above in favor of the corresponding independent claims. Additionally, claim 3 recites “wherein said user input routine is configured to receive user input specifying a particular print quality level for each of said one or more regions defined within said print job.” Claim 19 similarly recites “wherein said user input routine is configured to receive user input specifying a particular print quality level for each of said one or more regions defined within said print job.”

In this regard, the current Action cites to Santos at col. 2, line 59 to col. 3, line 14. (Action, p. 5). However, this portion of Santos merely refers to reducing or enlarging the size of a scanned image that is being printed. Santos does not teach or suggest specifying a region’s print quality level, independent of the sizing of the image, as claimed. Moreover, the enlargement or reduction applies to the entire print job and not to “one or more regions defined [by a user] *within said print job*.” Consequently, the proposed combination of Terasaka and Santos fails to teach or suggest the subject matter of claim 3 or 19.

As noted above, under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Terasaka and Santos, did not include the claimed “user input routine [that] is configured to receive user input specifying a particular print quality level for each of said *one or more regions defined within said print job*.” (Emphasis added).

This subject matter, as demonstrated herein, is beyond the scope and content of the cited prior art and provides advantages and functionality not described, contemplated or

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available in the cited prior art. For at least these additional reasons, Terasaka and Santos cannot support a rejection of claim 3 or 19 under 35 U.S.C. § 103(a) and *Graham*. Therefore, the rejection of claims 3 and 19 should not be sustained.

Claims 5 and 12 are patentable over Terasaka and Santos:

Claim 5 recites:

The printer driver of claim 4, wherein said user input routine is configured to display movement of a cursor on said WYSIWYG display in response to physical movement of said mouse, said *movement of said cursor being used by said user input routine to define said one or more regions within said print job*. (emphasis added).

Claim 12 similarly recites: "The method of claim 11, further comprising specifying said one or more regions within said print job by moving a cursor driven by a mouse over said WYSIWYG display."

As demonstrated above, the teachings of the cited prior art, particularly Santos, do not include a "user input routine [that] is configured to display movement of a cursor on said WYSIWYG display in response to physical movement of said mouse, said movement of said cursor being used by said user input routine to define said one or more regions *within said print job*." (Emphasis added). The combined teachings of Terasaka and Santos only allow a user to designate a cropped region within a pre-scan of a hardcopy document such that only the cropped region will be scanned when the final scan is executed. (Santos, abstract).

As noted above, under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Terasaka and Santos, did not include the claimed "user input

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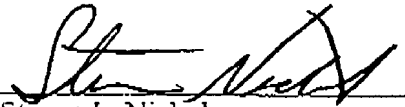
routine [that] is configured to display movement of a cursor on said WYSIWYG display in response to physical movement of said mouse, said movement of said cursor being used by said user input routine to define said one or more regions *within said print job*." (Emphasis added).

This subject matter, as demonstrated herein, is entirely beyond the scope and content of the cited prior art and provides advantages and functionality not described, contemplated or available in the cited prior art. For at least these additional reasons, Terasaka and Santos cannot support a rejection of claims 5 and 12 under 35 U.S.C. § 103(a) and *Graham*. Therefore, the rejection of claims 5 and 12 should not be sustained.

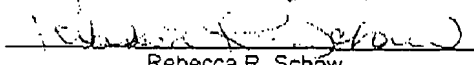
In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of September 6, 2007 is respectfully requested.

Respectfully submitted,

DATE: December 6, 2007


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<p align="center">CERTIFICATE OF TRANSMISSION</p> <p>I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number <u>571-273-8300</u> on <u>December 6, 2007</u>. Number of Pages: <u>31</u></p> <p align="center"> Rebecca R. Schow</p>

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VIII. CLAIMS APPENDIX

1. (cancelled)
2. (previously presented) A printer driver stored on a computer-readable medium comprising:
 - an interface configured to receive print job data;
 - a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed;
 - a WYSIWYG display routine for generating a WYSIWYG display of said print job;
 - and
 - a user input routine for receiving user input defining said one or more regions within said print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.
3. (original) The printer driver of claim 2, wherein said user input routine is configured to receive user input specifying a particular print quality level for each of said one or more regions defined within said print job.

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4. (original) The printer driver of claim 2, wherein said user input routine is configured to receive user input through a mouse connected to a host computer on which said printer driver is running.

5. (original) The printer driver of claim 4, wherein said user input routine is configured to display movement of a cursor on said WYSIWYG display in response to physical movement of said mouse, said movement of said cursor being used by said user input routine to define said one or more regions within said print job.

6-10. (cancelled)

11. (previously presented) A method of printing documents comprising printing designated regions within a print job at different print quality levels, said method further comprising:

displaying a WYSIWYG display of said print job; and

receiving user input defining one or more of said regions within said print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

12. (original) The method of claim 11, further comprising specifying said one or more regions within said print job by moving a cursor driven by a mouse over said WYSIWYG display.

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13-17. (cancelled)

18. (previously presented) A computer system comprising:

a host computer;

an interface on said host computer for connecting a printing device to said host computer; and

a printer driver stored on said host computer for formatting print job data from said host computer to a printing device;

wherein said printer driver comprises a print job formatting routine which notes one or more regions within a print job derived from print job data and further specifies a particular print quality level at which each such region is to be printed; and

wherein said print driver further comprises:

a WYSIWYG display routine for generating a WYSIWYG display of a print job; and

a user input routine for receiving user input defining said one or more regions within a print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

19. (original) The system of claim 18, wherein said user input routine is configured to receive user input specifying a particular print quality level for each of said one or more regions defined within said print job.

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20-21. (cancelled)

22. (previously presented) The printer driver of claim 2, wherein a said print quality level is defined by pixels per unit distance.

23. (previously presented) The method of claim 11, wherein a said print quality level is defined by pixels per unit distance.

24. (previously presented) The system of claim 18, wherein a said print quality level is defined by pixels per unit distance.

25. (previously presented) A printer driver stored on a computer-readable medium comprising:

an interface configured to receive print job data;

a user interface with which a user designates one or more specific regions of a print job represented by said print job data; and

a print job formatting routine which notes said one or more regions within said print job and further specifies a particular print quality level at which each such region is then printed,

wherein user input through said user interface can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

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26. (previously presented) The printer driver of claim 25, wherein said user interface comprises a WYSIWYG display of said print job.
27. (previously presented) The printer driver of claim 25, wherein said user interface comprises a mouse moving a cursor on a display of said print job, wherein clicking and dragging said cursor on said display designates a said region of said print job.
28. (previously presented) The printer driver of claim 25, wherein said print quality level is defined by pixels per unit distance.
29. (previously presented) The printer driver of claim 2, wherein said print job formatting routine prompts a user to input a print quality level setting for at least one of said regions.
30. (previously presented) The printer driver of claim 11, further comprising prompting a user to input settings for said print quality levels corresponding to said regions.
31. (previously presented) The system of claim 18, wherein said print job formatting routine prompts a user to input a print quality level setting for at least one of said regions.
32. (previously presented) A printer driver stored on a computer-readable medium comprising:
- an interface configured to receive print job data;

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a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed;

a display routine for generating a display of said print job; and

a user input routine for receiving user input defining said one or more regions within said print job using said display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

33. (previously presented) A method of printing documents comprising printing designated regions within a print job at different print quality levels, said method further comprising:

displaying a display of said print job; and

receiving user input defining one or more of said regions within said print job using said display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

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IX. Evidence Appendix

None

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None

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XI. Certificate of Service

None